IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8566 OF 2005

Smt.Nahid Gufran Maniar ..Applicant

V/s.

The State of Maharashtra & Ors. ..Respondents

Mr.P.R.Pandey for the applicant.

Mrs.M.H.Mhatre APP for Respondent/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This application has been filed seeking prayer for registering a case under Section 307 of IPC. The applicant is the wife of Gufran Maniar who resides at Jogeshwari. An incident took place on 28.8.2005 when the present applicant and her brother were on a scooter near Harkishandas hospital. At that time one Maruti car came upon them. Learned APP has pointed out to me that on 28.8.2005 the applicant had come to the police station and given her statement saying that she had got frightened on seeing the car and lost her balance and she has no suspicion against anybody. I have perused the statement that is produced by the prosecutor. On 3.10.2005 i.e. over a month later the applicant had

given a different statement to the police implicating her husband as being the person who had caused an attack by a maruti car. The 2nd statement which has been recorded on 3.10.2005 is also signed by the applicant. The signatures of the applicant on her 2 statements as well as on the present application is similar. It is not denied before me that the statement was made by the applicant to the police on 28.8.2005. I find from the application that the factum of making of such a statement is supressed to the Court. The applicant has not approached this Court with a clean hands. There is delay of one month in making of the 2nd statement. The brother of the applicant who was on the scooter also had not come to lodge any complaint. The relationship between the parties is enmical. I am not inclined to entertain this application and the same is rejected and stands disposed of accordingly.

(R.S.Mohite,J)